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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/768,599	01/30/2004	Thomas C. Ruvarac	TRA100US	7049

7590  
Thomas Ruvarac  
3095 Wild Meadow  
Aurora, IL 60504

01/12/2006

EXAMINER
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POPE, DARYL C

ART UNIT	PAPER NUMBER
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2632

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/768,599	<b>Applicant(s)</b> RUVARAC, THOMAS C.	
	<b>Examiner</b> DARYL C. POPE	<b>Art Unit</b> 2632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-63 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 49-54, and 58-63 is/are allowed.
- 6) ☒ Claim(s) 1-46 and 55 is/are rejected.
- 7) ☒ Claim(s) 47, 48 and 56-67 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

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## DETAILED ACTION

### **ART REJECTION:**

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1,5-8,12-14,19-22,28-34,36-40, and 42-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Lemelson et al(6,437,696).**

-- In considering claim 1, the claimed subject matter that is met by Lemelson et al(Lemelson) includes:

1) the position monitoring device for determining whether a global position of a monitored device is with a global position coordinate system is met by the prisoner sensor/processor unit(52) which is monitored by control unit(42) via GPS satellites(36) so as to determine whether a prisoner/parolee is within a criteria region(see: column 9, lines 18 et seq).

-- With regards to claim 5, the criteria region being a two dimensional area is met by the position coordinates as defined by the GPS system, and as well the travel matrix(see: figure 21).

-- With regards to claim 6, the two dimensional area being a polygon having a plurality of sides formed by a series of line segments is met as seen by the prisoner travel graph of figure 19.

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-- With regards to claims 7 and 8, the two dimensional area being a circle and as well being stationary relative to the coordinate system is met as seen in figure 20.

-- With regards to claim 12, the receiver for receiving monitored device global position through a wireless channel is met by the GPS receiver(60).

-- With regards to claim 13, the output device for conveying to a user the device global position relative to criteria region is met by the display(108) which provides tracking region to a user of the device(see: column 10, lines 47-65).

-- With regards to claim 14, the output device being an audio device providing an audio alarm signal when an alert condition based on a relationship between the region and the monitored device global position is met by the speaker(68) which causes an alarm to be sounded when the device is in the vicinity of persons that should be made aware of the presence of the parolee, which constitutes the parolee being outside of a criteria region(see: column 12, lines 30-50).

-- With regards to claim 19, the claimed subject matter that is met by Lemelson includes:

- 1) the wireless receiver is met by the GPS receiver(60);
- 2) the memory for storing criteria is met by the ROM(54) and RAM(58) which store data pertaining to the prisoner/parolee to be tracked by the device(52);
- 3) the controller for determining is met by the microprocessor control and routing circuitry(51).

-- With regards to claims 20-22, the output device is met by the display(108) in conjunction with the speaker(68)(see: column 10, lines 47-65; column 12, lines 30-50).

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-- Claim 28-29 recites subject matter that is met as discussed in claims 19 and 21 above(see: figure 20).

-- With regards to claim 30-33, the input device is met by the keyboard(106)(see: column 10, lines 47-65).

-- Claim 34,36-38, and 42 recites subject matter that is met as discussed in claims 19-20, and 30 above.

-- With regards to claims 39-40, the audible and visual alarm are met by the speaker(68) and display(108).

-- Claim 43 recites subject matter that is met as discussed in claims 28-29 above.

-- Claim 44 recites subject matter that is me as discussed in claims 19-20, and 28-29 above.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 9-11,15-18,23-27,41,45-46, and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemelson et al(Lemelson).**

-- With regards to claim 9-11, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Lemelson such that the criteria region would have been defined relative to a dynamic reference position, since Lemelson teaches that an alarm is indicated when a parolee comes within the vicinity of

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a restricted person so as to alert that person of a parolees presence(see: column 12, lines 30-50), which would thereby indicate that a dynamic reference position would have been desired, since the person would be allowed to move, thereby cause the vicinity limitations between the person and the parolee to be dynamic.

As well, all other claimed subject matter is met as discussed in claim 1 above.

-- With regards to claims 15-18,23-25, and 41, the examiner takes Official notice that in the alarm art, use of output devices including a visual display graphically displaying relative positions between a monitored device global position and a criteria region, a vibratory device, a radio frequency transmitter for transmitting a radio frequency alarm signal to a monitored device, and as well a sonic transmitter fro transmitting a sonic alarm signal to a monitored device is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the above stated output devices into the system of Lemelson, since this would have enhanced the alarm indication capabilities of the monitored device, for the purpose of indicating criteria region information to a parolee.

-- With regards to claims 26-27,45-46, and 55, the examiner takes Official Notice that in the tracking and location art, use of compasses for determining relative location is well known. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement a compass into the device(52) for the purpose of simultaneously conveying to a user of a plurality of relationships between a plurality of monitored devices, and wherein the alert condition would have been met when the monitored device would have been within the criteria region, because

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Lemelson already desires to indicate when a parolee would have been in the vicinity of persons that should be made aware of the presence of a monitored prisoner or parolee(see: column 12, lines 30-50).

For instance, in a situation when a plurality of monitored prisoners that should not be in contact with each other, are within the vicinity of each other, but still within their respective criteria regions, it would have been advantageous for each of the parolees to be made aware of each others relative position via conveyance through the output device, so as to give each parolee a chance of avoidance to other parolees that they should not have been in contact with.

**5. Claims 2-4, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemelson et al in view of Lareau et al(6,972,682).**

-- Claims 2-4, and 35 recite subject matter that is met as discussed in claim 1 above, except for:

1) the criteria region being three dimensional, with a two dimensional criteria area defined in a plan, and a criteria height defined in an axis perpendicular to the plane, and wherein the criteria height comprises a maximum height above the plane and a minimum height below the plane.

Use of monitoring systems wherein three dimensional coordinate monitoring of devices is well known in the art. In related art, Lareau et al(Lareau) discloses a system for monitoring and tracking of assets via wireless communications, wherein three dimensional coordinates of a monitored ID tag is utilized to determine the polar coordinates of the tag(see: column 15, lines 17-30).

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Since use of polar coordinates for determining location for ID tags well known in the art as seen by Lareau, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the memory(41) including Cartesian coordinate system of Lareau into the device(52) of Lemelson, since this would have enhanced the monitoring and tracking of parolees since a third coordinate would have allowed a more accurate locating of the parolee(i.e. such as when the parolee may be restricted from going into underground garages, subway systems, underground tunnels, sewers, etc.).

***Allowable Subject Matter***

6. Claims 47-48, and 56-57 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 49-54, and 58-63 are allowed.

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DARYL C. POPE whose telephone number is 571-272-2959. The examiner can normally be reached on M-TH 9:00-7:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DANIEL J. WU can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for



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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daryl C. Pope

December 21, 2005

DARYL C POPE  
Primary Examiner  
Art Unit 2632

A handwritten signature in black ink, appearing to read "Daryl C. Pope", is written over the printed name and title.